IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO. 3203 OF 2004
IN
CONTEMPT PETITION NO.21 OF 2002
IN
SUIT NO.1421 OF 1997

Hemant D. Shah & Ors. ...Petitioners

Vs.
Chittaranjan D. Shah & Ors. ...Respondents

Mr Sunil Purohit i/by Haresh Mehta & Co. for the Petitioners.
Mr J.P. Sen a/w Denzil D'mellow for the Respondents.

CORAM : S.K. SHAH, J.
DATE : NOVEMBER 18, 2005.

P.C.:

1. This Notice of Motion is taken out for modification of the order passed on 12th December, 2002 in the Contempt Petition. The order dated 12th December, 2002 was modifying the original order passed on 06th May, 1997 in the Notice of Motion No.1377 of 1997 in this suit.

2. The position now stands is that by order dated 15th September, 2003 the Contempt Petition No.21 of 2002 which was taken out in the suit has been disposed of.

3. The learned Counsel for the Respondent submits that the present Notice of Motion is not maintainable as the Contempt Petition is disposed of. The submission made on the behalf of the Respondent is quite accepted and therefore, Notice of Motion cannot be entertained and same, therefore, needs to be disposed.

4. At the same time, applying the same analogy, it is clarified that since the Contempt Petition itself is disposed, the ad-interim order passed on 12th December, 2002 does not survive at all and it dies with the disposal of the Contempt Petition itself.

5. Notice of Motion is dismissed.

(S.K.SHAH, J)